

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.8765 OF 2003

DATED:5.8.2005

Between:

G.V.S.Sriram Prasad

...Petitioner

And

The Commissioner of Police

Vijayawada Comissionerate, Vijayawada

and others

...Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.8765 OF 2003

ORDER:

The petitioner filed the Writ Petition seeking a Writ of Mandamus declaring the action of respondents 1 and 2 in interfering in civil dispute between petitioner and third respondent as arbitrary and illegal.

After receiving notice, respondents have filed counter affidavit denying the allegations and stating that Police never interfered in civil dispute between petitioner and third respondent.

Whether Police can interfere in civil dispute between citizens is a question, which is no more *res integra* (See **S.Masthan Saheb v P.S.R. Anjaneyulu** and

J.Lakshmi @ Lakshamma v Commissioner of Police, Vijayawada.) In **J.Lakshmi @ Lakshamma v Commissioner of Police, Vijayawada** (supra), after referring to the judgment in **S.Masthan Saheb v P.S.R. Anjaneyulu** (supra) as well as the code of conduct for police, this Court laid down as under.

The Supreme Court has repeatedly held that when the dispute is purely of civil nature, the jurisdiction under Art.226 of the Constitution cannot be exercised. The Supreme Court also repeatedly laid down that when the dispute between the two citizens is of civil nature and no crime is registered, police have no jurisdiction to interfere in the civil dispute. Further, when there is a civil litigation either before the court of law or before the tribunal, the police have no jurisdiction to interfere in the civil dispute. Further, when there is a civil litigation either before a court of law or before a tribunal, the police cannot interfere and even if a complaint is made in relation to such dispute pending in a civil court, the citizens have to be advised to resolve the dispute through a duly constituted court of law.

In the scheme of the Constitution of India, the duty to resolve civil disputes is entrusted to judiciary. Police have no such power. Any interference by police in a pending civil dispute or a potential civil dispute between citizens or two groups of citizens is not within the province of the police. Furthermore, if a cognizable offence is reported to the police, it is the duty of the police to register the crime under Section 154 of the Code of Criminal Procedure, 1973 (Cr.P.C) and take up investigation immediately. In a given case, even if a civil dispute, to say a land dispute, is pending before a civil Court and if the quarrel between the two warring parties has a potential of resulting in a law and order problem posing threat to the society at large, the police can always take up the case only after registering the crime under Section 154 Cr.P.C. Without registering the crime and without any reason the police cannot interfere.

The Learned Government Pleader does not dispute the legal position. Therefore, this writ petition is disposed of directing the respondents not to interfere in the civil disputes, if any, between petitioner and contesting respondent.

The writ petition is accordingly disposed of. There shall be no order as to costs.

(V.V.S.RAO,J)

5.8.2005

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